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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,108	06/02/2000	Neil A Willcocks	2280.2620	6805

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

PHAM, THIERRY L

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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12/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/587,108

Applicant(s)

WILLCOCKS ET AL.

Examiner

Thierry L. Pham

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-65 and 83-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-65 and 83-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the following communication: an amendment filed on 10/16/07.
- Claims 31-65, 83-92 are currently pending; claims 1-30 and 66-82 have been canceled.
- Claims 31, 37, 43, 48, 54, and 60 are currently amended to include newly added features/limitations "print preview".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-65, 83-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kofman et al (US 6230073) and in view of Over et al (US 6538767).

Regarding claim 31, Kofman discloses a system (fig. 3) for enabling a user to submit a customizable image (any pictorial representation image, col. 1, lines 15-16) to be printed directly on a planar surface (col. 2, lines 23-32 and col. 5, lines 3-10) of a sugar shell or jellybean comprising:

- a second computer (computer 100, fig. 3);
- an ink-jet printer (printer 80, fig. 3) adapted to receive the image data from the second computer and print directly on a planar surface (col. 3, lines 25-40 and col. 4, lines 30-35) of a sugar shell candy (col. 5, lines 5-10) or a jellybean a high quality (col. 2, lines 26-28) that corresponds to the received image data in the manufacture (col. 4, lines 50-51) of personalized shell candy or jelly beans.

Kofman fails to explicitly teach and/or suggest a network for receiving an image data from a first computer, printing an image data on a non-planar surface using an inkjet printer having resolution greater than 200 dpi, and preview options for decoration of sugar shell or jelly beans.

Over, in the same field of endeavor for printing, teaches a network for receiving (receiving image from customers via network such as LAN, WAN, or Internet, col. 6, lines 1-17) an image data from a first computer (receiving system 5, fig. 1) and a printer (printing system 10, fig. 1) that prints an image data on a non-planar surface (non planar surface, col. 2, lines 52-67, fig. 10, also notes that Over further teaches an edible ink for printing onto an edible product having non-planar surface, col. 5, lines 1-49) using an inkjet printer having resolution greater than 200 dpi (col.11, lines 25-40), and a preview options (image preview 108 of fig. 12 allows users to preview an image to be decorated on an object's surface, col. 12, lines 25-30) for decoration of sugar shell or jellybean (col. 5, lines 1-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace and/or modify Kofman's printer 80 with an inkjet printer 10 as per teachings of Over so customized and/or personalized image can be printed on both a planar and non planar surface and to modify image processor of Kofman to include "preview option" as per teaching of Over to allow users to preview what image and/or options to be printed on the object's surface before the product is being printed, therefore, ensuring the product is printed based upon customer's specification (e.g. prevents printing wrong image and/or options on an object's surface and such errors are very costly associating with time and material costs).

Therefore, it would have been obvious to combine Kofman with Over to obtain the invention as specified in claim 31.

Regarding claim 32, Over further discloses a system according to Claim 31, wherein the network is the Internet (Internet network is well known and widely used in the art) and the first computer is a client computer operable to run Web browser software adapted to send and receive Hypertext Markup Language (HTML) forms over the World Wide Web.

Regarding claim 33, Over further discloses a system according to Claim 31, wherein the network is a local area network (fig. 1).

Regarding claim 34, Over further teaches a system according to claim 31, wherein the ink-jet printer prints on the sugar shell or jellybean using a dispersed pigment food-grade ink (edible inks, col. 5, lines 1-49) to obtain a printed image having resolution greater than 200 dpi (col. 11, lines 25-40) even if printed using a single printhead and single pass printing.

Regarding claim 35, Kofman further discloses ink-jet printer is a drop-on-demand ink-jet printer (col. 7, lines 52-53).

Regarding claim 36, Over further teaches wherein the printed image has a resolution between 300 and 1200 dpi (col. 11, lines 25-40).

Regarding claim 83, Over further teaches a system according to claim 31, further comprising a subsystem for holding (fig. 1, 9-10) the sugar shell candies or jellybean transiently in position and serially (fig. 12) transporting them past a printhead for printing.

Regarding claim 88, Kofman further teaches a system according to claim 31, wherein the customizable image is a personalized message (col. 1, lines 10-16).

Regarding claims 37-65, and 84-87, 89-92 recite limitations that are similar and in the same scope of invention as to those in claims 31-36, 83, and 88 above; therefore, claims 37-65, and 84-87, 89-92 are rejected for the same rejection rationale/basis as described in claims 31-36, 83, and 88.

Response to Arguments

Applicant's arguments with respect to independent claims 31, 37, 43, 48, 54, 60 have been considered but are moot in view of the new ground(s) of rejection using previously cited prior art of record to address the newly added features/limitations "preview options for decorations" as cited in independent claims 31, 37, 43, 48, 54, 60.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham

A handwritten signature in black ink, appearing to read "Gabriel Garcia", with a stylized, cursive script.

GABRIEL I. GARCIA
PRIMARY EXAMINER